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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,306	02/28/2001	Michael Bothe	41165/9014	4658

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EXAMINER

VU, BAO Q

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/622,306	Applicant(s) BOTHE, MICHAEL	
	Examiner Bao Q. Vu	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 8-10, 11, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullersman. (USP 4,009,429). Mullersman (see figure 1) teaches a male connector, 12 and 14, that is plugged into a main power supply, and a second male connector, 19, 21, and 23, with a electronic circuit for transforming the voltage which is located between the two connectors and is one rigid physical unit, 11. Mullersman discloses the claimed invention (see above paragraph) except for the male connector supported by an electronic cord in the range of 0.25-2 meters in length . It would have been an obvious matter of engineering design choice to have the male connector supported by an electronic cord in the range of 0.25-2 meters in length, since such a modification would have involved a mere change in the size/length of a component. A change in size/length is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Mullersman (USP 4,009,429) in view of Heskett et al. (USP 5,908,233) in view of Todd (USP 3,034,000). Mullersman discloses the claimed invention except for the use of an on/off switch to control the supply of power to the electronic device and an indicator. Heskett discloses the use of an indicator and Todd discloses the use of an on/off switch to control the supply of power to the electronic device. It would have been obvious to one having ordinary skill in the art to have an indicator for the purpose relaying the information of the consumer functioning properly and that it is being charged properly. It would have been an obvious matter of engineering design choice to use an on/off switch to control the supply of power to the electronic device, since applicant has not disclosed that the on/off switch solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with switch used for the appliance adapter to control the flow of power the load.

5. Claims 5 and 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullersman (USP 4,009,429) as applied to claim 1 above, in view of Heskett et al. (USP 5,908,233) in view of Todd (USP 3,034,000) and further in view of Hugly (USP 3,996,546). Mullersman discloses the claimed invention except for the use

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of the interchangeability of the plugs for voltage adaptation for differing consumer devices. It would have been an obvious matter of engineering design choice to use interchangeable of plugs for voltage adaptation for differing consumer devices, since applicant has not disclosed that the use interchangeable of plugs for voltage adaptation for differing consumer devices solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any type of interchangeable plugs and that is adaptable to any one of numerous consumer devices.

Response to Amendment

1. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out **how the language of the claims patentably distinguishes** them from the references.
3. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not **clearly point out the patentable novelty** which he or she thinks the claims present in

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view of the state of the art disclosed by the references cited or the objections made.

Further, they do not show how the amendments avoid such references or objections.

4. In response to applicant's arguments **against the references individually**, one cannot show **nonobviousness by attacking references individually** where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Vu whose telephone number is (703) 308-2318. The examiner can normally be reached on Monday-Fridays, 8:00AM- 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Sherry can be reached on (703) 308-1680. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Bao Q. Vu
Primary Examiner
Art Unit 2838

October 27, 2003